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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER  
TECHNOLOGIES, INC.'S AND  
OTTOMOTTO LLC'S SUR-REPLY  
IN OPPOSITION TO PLAINTIFF  
WAYMO LLC'S MOTION FOR  
SANCTIONS**

Judge: Hon. William H. Alsup  
Trial Date: October 10, 2017

Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively “Uber”) submit this Sur-Reply in Opposition to Plaintiff Waymo LLC’s Motion for Sanctions (Dkt. 1910).

Uber joined Otto Trucking’s opposition brief (Dkt. 1956) in good faith and with no intent whatsoever to mislead the Court. Otto Trucking explains why its representation of Waymo’s sealing papers in the opposition brief was correct, and as such the reasons for any misunderstanding, in its sur-reply brief. (Dkt. 1967). At bottom, Uber’s re-filing of the at-issue exhibit (at Dkt. 1546-2)—re-filed a week after Otto Trucking filed it, and approximately two weeks before Waymo identified that docket entry as containing its allegedly confidential information—was done in good faith and sought to keep items confidential in accordance with this Court’s sealing order (Dkt. 1444). When Waymo alerted Uber that it filed an exhibit with its allegedly confidential information, Uber immediately locked the filing. (Dkt. 1957 at 3). On these facts, there is no basis for sanctioning Uber.

Waymo's motion should be denied.

Dated: October 6, 2017

Respectfully submitted,

SUSMAN GODFREY LLP  
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By: /s/ Karen L. Dunn  
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UBER TECHNOLOGIES, INC. AND  
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